

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

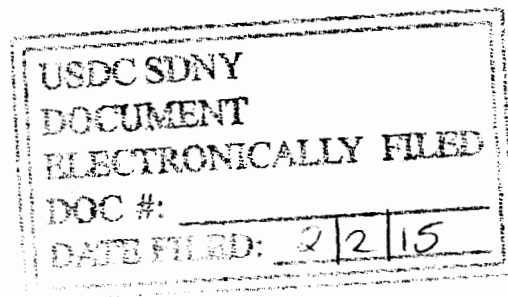
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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

- v. -

SPYRIDON ADONDAKIS,
ANTHONY CHIASSON,
SANDEEP GOYAL,
JON HORVATH,
DANNY KUO,
TODD NEWMAN,
JESSE TORTORA,
DIAMONDBACK CAPITAL MANAGEMENT, LLC.
and
LEVEL GLOBAL INVESTORS, L.P.,

Defendants.
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12-cv-0409 (SAS)

ECF Case

ORDER

WHEREAS, on January 18, 2012, the Securities and Exchange Commission ("SEC") filed a complaint against, among other defendants, Anthony Chiasson and Todd Newman (the "Complaint") (together, the SEC, Anthony Chiasson and Todd Newman are herein the "Parties");

WHEREAS, the Complaint alleged that Defendants Chiasson and Newman engaged in conduct, namely insider trading in the shares of Dell, Inc. and NVIDIA Corp., that violated Section 10(b) of the Securities Exchange Act of 1934, Exchange Act Rule 10b-5, and Section 17(a) of the Securities Act of 1933;

WHEREAS, Defendants Chiasson and Newman were simultaneously indicted for conspiracy to commit insider trading in the shares of Dell, Inc. and NVIDIA Corp. in violation of Title 18, United States Code, Section 371; and insider trading, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17 Code of Federal Regulations, Sections 240-10b-5 and 240.10b5-2, and Title 18, United States Code, Section 2, United States v. Newman, et al., S2-12-cr-121 (RJS) (“the Criminal Matter”);

WHEREAS, on December 17, 2012, a jury in the Southern District of New York found the Defendants Chiasson and Newman guilty of all counts in the Criminal Matter;

WHEREAS, on May 9, 2013 and May 14, 2013, judgments of conviction were entered against Defendants Newman and Chiasson, respectively, in the Criminal Matter;

WHEREAS, on October 4, 2013, the Hon. Harold Baer entered partial summary judgment against Defendants Chiasson and Newman in this matter based solely on the collateral estopped effect of their convictions in the Criminal Matter;

WHEREAS, on December 10, 2014, the United States Court of Appeals for the Second Circuit entered a judgment vacating Defendants Chiasson’s and Newman’s convictions (the “Judgment”);

WHEREAS, on December 24, 2014, this Court granted Defendants Chiasson and Newman’s motion to vacate the partial summary judgments pursuant to Rule 60(b)(5) of the Federal Rules of Civil Procedure;

WHEREAS, this Court stayed this matter until January 30, 2015, pending the United States’ decision on whether to seek further appellate review in the Criminal Matter;

WHEREAS, on January 23, 2015, the United States filed a petition with the Second Circuit seeking a panel rehearing and rehearing *en banc* in the Criminal Matter;

WHEREAS, the Parties have agreed to seek a further stay of this matter pending the final outcome of the appellate proceedings in the Criminal Matter, and

WHEREAS, the Parties have further agreed that, in the event that the final outcome of the appellate proceedings is that the convictions of the Defendants Newman and Chiasson remain vacated, they will jointly seek an expedited schedule for the Court to hear a dispositive motion by Defendants Newman and Chiasson in this matter (should the Parties fail to resolve the matter short of motion practice);

NOW, THEREFORE, IT IS ORDERED that:

1. This matter shall be stayed pending the final outcome of the appellate proceedings in the Criminal Matter; and,

2. In the event that the final outcome of the appellate proceedings is that the convictions of the Defendants Newman and Chiasson remain vacated, the Parties may seek an expedited schedule for the Court to hear a dispositive motion by Defendants Newman and Chiasson in this matter.

Dated: Feb. 2, 2015


UNITED STATES DISTRICT JUDGE